

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:16-HC-2299-D

EDWARD MARTIN McKENNA,
SR.,

Petitioner,

v.

UNNAMED RESPONDENT,

Respondent.

ORDER

On July 19, 2017, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 8] and recommended that the court dismiss Edward Martin McKenna, Sr.’s (“McKenna”) 28 U.S.C. § 2241 petition without prejudice. On August 10, 2017, McKenna objected to the M&R [D.E. 10].

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

McKenna’s objections do not meaningfully address the M&R. Because McKenna’s objections fail to meaningfully address the M&R, de novo review is not required. See, e.g., Wells v. Shriners Hosp., 109 F.3d 198, 200–01 (4th Cir. 1997); Orpiano v. Johnson, 687 F.2d 44,

47 (4th Cir. 1982).

Alternatively, McKenna's objections lack merit. Judge Numbers recommended dismissal of the petition because McKenna's claims are "fanciful, fantastic, and delusional." Denton v. Hernandez, 504 U.S. 25, 32–33 (1992) (quotations and citations omitted). The undersigned agrees, and McKenna's objections do not clarify his claims.

In sum, McKenna's objections [D.E. 10] are OVERRULED, and the court adopts the conclusions in the M&R [D.E. 8]. McKenna's petition is DISMISSED without prejudice, and the court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 483–84 (2000). The clerk shall close the case.

SO ORDERED. This 27 day of August 2018.



JAMES C. DEVER III
Chief United States District Judge